

VZCZCXRO5867

RR RUEHBI RUEHCI RUEHDBU RUEHFL RUEHKW RUEHLA RUEHLH RUEHNEH RUEHNP
RUEHPW RUEHROV RUEHSL RUEHSR
DE RUEHTA #1903/01 2941007
ZNY CCCCC ZZH
R 211007Z OCT 09
FM AMEMBASSY ASTANA
TO RUEHC/SECSTATE WASHDC 6682
INFO RUCNCLS/ALL SOUTH AND CENTRAL ASIA COLLECTIVE
RUCNCIS/CIS COLLECTIVE 2068
RUEHZL/EUROPEAN POLITICAL COLLECTIVE
RUEHBJ/AMEMBASSY BEIJING 1439
RUEHUL/AMEMBASSY SEOUL 1074
RUEHKO/AMEMBASSY TOKYO 2139
RUCNDT/USMISSION USUN NEW YORK 2553
RUEHVEN/USMISSION USOSCE 2066
RUEHNO/USMISSION USNATO 2856
RHMFISS/CDR USCENCOM MACDILL AFB FL
RUEAIIA/CIA WASHDC
RUCPDOG/DEPT OF COMMERCE WASHINGTON DC
RHMFISS/DEPT OF ENERGY WASHINGTON DC
RUEATRS/DEPT OF TREASURY WASHINGTON DC
RHEFAAA/DIA WASHDC
RHEHNSC/NSC WASHDC 1628
RUEKJCS/JOINT STAFF WASHDC
RUEKJCS/SECDEF WASHDC 1490

C O N F I D E N T I A L SECTION 01 OF 03 ASTANA 001903

SIPDIS

STATE FOR SCA/CEN, EUR/RPM, DRL

E.O. 12958: DECL: 10/21/2019

TAGS: [PGOV](#) [PREL](#) [PHUM](#) [OSCE](#) [KZ](#)

SUBJECT: KAZAKHSTAN: PRESIDENTIAL ADVISOR LETS LOOSE ON
HDIM, ZHOVTIS CASE

REF: ASTANA 1897

Classified By: Ambassador Richard E. Hoagland, 1.4 (b), (d)

¶1. (C) SUMMARY: On October 20, the DCM met with Presidential Advisor Yermukhamed Yertysbayev, who explained his views on the development of democracy in Kazakhstan, presidential power, and the Human Dimension Implementation Meeting (HDIM) in Warsaw, September 28-October 9. Yertysbayev also discussed the ongoing trial of human rights activist Yevgeniy Zhovtis, who was convicted of vehicular manslaughter and sentenced to four years in prison. Just hours after the meeting with Yertysbayev, Zhovtis's appeal of the verdict was denied, and the original conviction was upheld. Although Yertysbayev is known as a loose-cannon gadfly and is himself under a dark cloud in the current corruption clean-up campaign, he represents a line of thinking that persists in Kazakhstan. With such a reputation, we remain perplexed why the government sent him to the HDIM in the first place. END SUMMARY.

PARLIAMENTARY ELECTIONS AND PRESIDENTIAL SUCCESSION

¶2. (C) Yertysbayev, who was outspoken and provocative during the one-hour meeting, is a senior advisor to President Nazarbayev on domestic political issues. His portfolio includes parliamentary elections, independent media, political party development, independent labor unions, non-governmental organizations (NGOs), and civil-society development. According to Yertysbayev, the most pressing issue for Kazakhstan's democratic development is parliamentary election reform. He cited Ukraine as an example of a country with a diverse, dynamic, democratically-elected parliament, and said Kazakhstan would benefit by having a parliament with "real dialogue and real opposition."

¶3. (C) Yertysbayev said a truly competitive parliament could help resolve the potentially explosive issue of presidential succession. "If, heaven forbid, something were to happen to

our president," he said, "we have no mechanism for solving political problems. There would be no way to allocate power peacefully among the competing social groups. Already, powerful elites from different clans are preparing to take power. They are getting ready for a civil war." Yertysbayev asserted that the merger of the National Social Democratic Party (NSDP) and the Azat (Freedom) Party will help to unify the voice of the opposition (septel). He also said he expects the People's Assembly to announce on October 26 that it will call for parliamentary elections to be held within two months, on or about December 31. According to Yertysbayev, if they did so, no one would go to the polls except for disciplined government bureaucrats, who would naturally vote for the President's party, Nur Otan. "The opposition parties would stay at home, celebrating New Year's Eve," he joked. (NOTE: Rumblyings about early elections are ever-present in Kazakhstan, especially in the run-up to its 2010 OSCE Chairmanship. However, those rumblyings have recently intensified, especially after the above-mentioned party merger. END NOTE.)

WHAT HAPPENED IN WARSAW

14. (C) Yertysbayev said that Kazakhstan has ambitious, serious plans for 2010 when it will become Chairman of the Organization for Cooperation and Security in Europe (OSCE). He said that during the HDIM in Warsaw last week, for example, the United States promised to assist Kazakhstan with a number of important initiatives in the areas of counter-terrorism and counter-narcotics.

ASTANA 00001903 002 OF 003

When asked about the atmospherics of the HDIM in Warsaw, Yertysbayev responded that the government sent 10-12 official representatives, and claimed that Freedom House, as well as President Nazerbayev's former son-in-law Rakhat Aliyev and former BTA Bank Chairman Mukhtar Ablyazov -- both of whom fled to Europe to escape criminal charges in Kazakhstan -- paid for 42 NGO representatives to attend the meeting. Yertysbayev was visibly upset when he recalled that some of them appeared in front of the media wearing t-shirts demanding that Zhovtis receive a fair trial. He suggested that government officials watching this scene from Astana would have been incensed. "I'm sure there are people in power who would look at that and say, 'Forget about our diplomatic relations, let Zhovtis sit in jail.'"

15. (C) Yertysbayev then pointed a finger of blame at Kazakhstan's two most notorious exiles: "I know for a fact," he said, "that Aliyev and Ablyazov were behind this." Pressed to explain his own behavior at the conference, Yertysbayev replied that the NGO representatives were openly critical of their home country and unfairly took advantage of the Warsaw venue to speak out against Kazakhstan. When asked if the NGOs raised any new charges or criticisms in Warsaw, Yertysbayev conceded they had not, but he asserted that he had felt compelled to present a "more balanced view" of Kazakhstan. "These people take three or four facts and they think that tells the whole story. They accuse Kazakhstan of being a dictatorship, an authoritarian regime, that does not allow freedom of speech. They are drawing the wrong conclusions from just a few facts." Yertysbayev contended that most people in Kazakhstan are not interested in democratic reform or human rights. "Maybe 8%-12% of the population cares about democracy," he said. "When you ask people what they care about most, it's their safety, security, health, education, and housing. Those are the things people really care about!"

THE ZHOVTIS CASE

16. (C) According to Yertysbayev, one of the "facts" the NGO representatives frequently cited was the Zhovtis case. Yertysbayev recited the government's official talking points on the Zhovtis case, noting that there have been 177 similar

cases in recent years, and in nearly every case, the defendant was sentenced to jail. "However," he said, "I am personally in favor of giving Zhovtis a reduced sentence, maybe one year, not four. Look," he said, "Zhovtis was driving 90 kilometers an hour on a back road and he hit and killed a man. He had been out fishing that day, and in our country, that means he was drinking vodka by the glass. The next morning, the doctors determined that his blood-alcohol level was 0.042%. He should serve one year for that," he said. (COMMENT: Although the accident's police report confirmed Zhovtis' sobriety, a subsequent press report alleging otherwise obviously has gained traction in some government circles. END COMMENT.)

17. (C) Yertysbayev acknowledged that the Zhovtis case has complicated Kazakhstan's foreign relations, and added that the complaints and concerns of the United States and Europe should be taken into account. "If so many people are asking for his freedom," Yertysbayev said, "then we should listen to them. We should try to find a compromise." Yertysbayev insisted that Zhovtis had not helped his own cause, and implied he was asking for trouble, by criticizing the judge for sentencing a "Vremya" journalist in a separate case to four years in jail for vehicular manslaughter. Before his trial began, Zhovtis said he expected to receive a similar sentence. "That judge is a human being," Yertesbayev asserted. "Can you really expect him not to be affected by such public criticism?" Yertesbayev then reached into his

ASTANA 00001903 003 OF 003

pocket for his cell phone and joked, "I could call the judge right now and ask him to release Zhovtis. Then you can issue him a green card, and everyone will be happy. But then," he said, "you would say that our justice system is corrupt." (NOTE: On October 20, a court upheld the conviction of Zhovtis and the original sentence of four years in jail. See reftel. END NOTE).

DEMOCRACY AND THE RULE OF LAW

18. (C) Yertysbayev told the DCM that the he understands the importance of the human dimension of democratic development, and said the government takes that aspect very seriously. "We all must live under the rule of law," he stated. "Even me. I am a former Minister (of Culture and Information)," he said, "yet I recently lost a libel case in the courts. Clearly, I was not given any special treatment. And my son is being questioned by the Financial Police. No one is above the law." He added that the current anti-corruption campaign has affected even the most high-ranking officials in government. "Everyone's anxious," he asserted. "They're all thinking, if it could happen to someone like (former Kazatomprom president Mukhtar) Dzhakishev, then it could happen to me." He smiled. "That's when people start to care about the rule of law -- when they realize that they might need a lawyer and a fair trial." Yertysbayev added that improving transparency and accountability in the justice system should be a top priority for Kazakhstan's continued democratic development.

NAZERBAYEV TO MAINTAIN TIGHT CONTROL

19. (C) Yertysbayev stopped short, however, of suggesting that radical, systemic changes could be forthcoming. He recalled that 20 years ago Nazerbayev was a member of the Central Committee of the Communist Party. Nazerbayev was at the very center of power when the Soviet Union collapsed, and he remembers all too well the confusion and disorder that followed. "He will never let that happen to Kazakhstan," Yertysbayev said, "Not as long as he is president. Not as long as he is alive." As the meeting concluded and the conversation turned to small talk, Yertysbayev said he would recommend that President Nazerbayev see the movie "The Godfather." "I don't think he has ever seen it," Yertysbayev said. "But he should. In the end, the boss is betrayed by his son-in-law. It's just like real life."

¶10. (C) COMMENT: Post will report septel on Kazakhstan's participation in the Human Dimension Implementation Meeting in Warsaw, and allegations that Yertysbayev intimidated NGO representatives there. It was clear during our meeting that he was offended by the behavior of the NGOs in Warsaw, and held them in contempt. However, we do not expect Yertysbayev to play a prominent role as Kazakhstan assumes the chairmanship of the OSCE. Although Yertysbayev is known as a loose-cannon gadfly and is himself under a dark cloud in the current corruption clean-up campaign, he represents a line of thinking that persists in Kazakhstan. With such a reputation, we remain perplexed why the government sent him to the HDIM in the first place. END COMMENT.
HOAGLAND